

ORIGINAL

DOCKET FILE COPY ORIGINAL  
BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 97-222  
Table of Allotments ) RM-9180  
FM Broadcast Stations )  
(Sault Ste Marie, Michigan) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**COMMENTS OF**  
**NORTHERN CHRISTIAN RADIO, INC.**

Northern Christian Radio, Inc. (hereafter "NCR"), by its undersigned counsel, hereby respectfully submits these Comments in support of its "Petition For Rule Making" (hereafter the "Petition"), filed on September 23, 1997, requesting that the Commission modify its FM broadcast station Table of Allotments in Section 73.202<sup>1</sup> of the Commission's rules and regulations as follows:

**Community:**  
Sault Ste Marie, Michigan

**Present Allocation**  
252C3, 258C2, 267C1

**Proposed Allocation**  
252C3, 258C2, 267C1, \*272C3

<sup>1</sup> 47 CFR 73.202(b).

No. of Copies rec'd  
List ABCDE

045

**1. NCR is the Commission licensee of noncommercial, educational FM broadcast stations WHPN, Gaylord, Michigan and WOLW, Cadillac, Michigan. As such, NCR has been found by the Commission to be qualified to be the licensee of FM stations licensed to the portion of the FM band reserved for noncommercial, educational broadcasting.<sup>2</sup>**

**2. As noted in its Petition, NCR desires to expand its operations to serve the community of Sault Ste Marie, Michigan with a noncommercial, educational FM broadcast station. However, as the ENGINEERING STATEMENT from NCR's engineering consultants, Lechman & Johnson, Inc., demonstrated in the Petition, there are no channels in the reserved portion of the FM band available for use at Sault Ste Marie due to the proximity of that community to Channel 6 television station WCML-TV, Alpena, Michigan and Canada.**

**3. NCR demonstrated in its Petition that FM channel \*272C3 can be allocated to Sault Ste Marie, Michigan in full conformity with the requirements of Section 73.207 of the Commission's rules and regulations. NCR requested that FM Channel \*272C3 be allocated to**

---

<sup>2</sup> These are FM channels 201-220.

**Sault Ste Marie, Michigan as a reserved, noncommercial, educational channel.**

**4. NCR recognized in its Petition that, generally, noncommercial, educational stations operate within the reserved portion of the FM band. However, exceptions have been made to this general rule where a full compliment of the channels in the reserved portion of the FM band is not available because of foreign allocations (Canadian or Mexican) or potential interference to the operations of VHF Television Channel 6 stations. See *Comobabi, Arizona*, 47 FR 32717, July 29, 1982; and *Lindside, West Virginia*, 2 FCC Rcd Vol. 20 6046 (1987).**

**5. The Commission's *NOTICE OF PROPOSED RULE MAKING*<sup>3</sup> found that NCR's proposal would be in the public interest. The deadline for submitting comments on the proposal was set for December 15, 1997. NCR reiterates its support for this proposal. Should the Commission assign FM Channel \*272C3 to Sault Ste Marie, Michigan and reserve that allotment for noncommercial use, NCR will file an application to utilize the assignment. In the event its application for a construction permit on FM Channel \*272C3 at Sault Ste Marie,**

---

<sup>3</sup> DA 97-2229, released October 24, 1997.

**Michigan is approved, NCR will promptly build a new noncommercial FM station and place it into operation.**

**6. On or about December 9, 1997, a document entitled "COMMENTS AND COUNTERPROPOSAL" (hereafter the "Counterproposal") was filed with the Commission in connection with this proceeding. The commentator is Ms. Linda K. Graver, identified as the President of Black Bear Broadcasting Company of Bay City, Michigan (hereafter "Black Bear"). Black Bear proposes to assign FM channel 272C3 to "McMillan, Michigan" and to substitute to the allotment of FM Channel \*230C3 to Sault Ste Marie, Michigan in lieu of FM Channel \*272C3. Black Bear alleges that FM Channel \*230C3 is now available for use at Sault Ste Marie, Michigan due to "the deletion of this channel on Manitoulin Island" by the Canadian government in connection with certain changes in the "Canadian Table of Allocations."**

**7. As an initial matter, the Commission's records indicate that FM channel 230C remains allocated to Manitoulin<sup>4</sup>, Ontario, Canada. While there is a proposal pending to reallocate this channel to Little**

---

<sup>4</sup> The Commission's database indicates this name. However, Black Bear refers to the allotment as Manitoulin Island.

**Current, Ontario, Canada, and to downgrade the assignment to FM Channel 231C1, that reallocation has not been effectuated. Moreover, assuming *arguendo* that this modification in the Table of Allotments is adopted by Canada, the use of FM Channel \*230C3 at Sault Ste Marie, Michigan is not an equivalent allotment to the FM Channel \*272C3 proposal by NCR. As the attached ENGINEERING DECLARATION of Peter W. Lechman demonstrates, the use of FM Channel \*230C3 at Sault Ste Marie, Michigan would be subject to the reception of certain interference from the proposed first adjacent, FM Channel 231C1 allotment to Little Current, Ontario, Canada, when the technical standards outlined in the Canadian Working Agreement<sup>5</sup> are taken into consideration. Therefore, the proposed allocation of FM Channel \*230C3 to Sault Ste Marie, Michigan is not equivalent to the proposed FM Channel \*272C3 allocation sought by NCR herein.**

**8. Moreover, the proposed counterproposal is entirely unnecessary in order to allocate a new, commercial Class C3 FM channel to McMillan, Michigan. As the attached ENGINEERING DECLARATION demonstrates, there are fully fourteen (14) FM channels**

---

<sup>5</sup> See, *New FM Working Arrangement With Canada Goes Into Effect*, FCC Mimeo 908, released November 19, 1984.

that can be allocated in and around the geographic coordinates of McMillan, Michigan, of which eleven (11) can be allocated on the basis of a Class C3 allotment. Of these possible Class C3 allotments, Channel 244C3 and Channel 269C3 may be allocated at the exact geographic coordinates designated by Black Bear in its Counterproposal for McMillan.<sup>6</sup> Neither of these FM Class C3 allotments will be the subject of predicted interference from a Canadian FM allotment, unlike the Channel 230C3 proposal to Sault Ste Marie by Black Bear. Moreover, it is clear from Commission precedent that FM channels of the same class are presumed to be equivalent for allotment purposes. *See, FM Channel Assignments* (1990).<sup>7</sup> Either of these Class C3 FM channels is the equivalent of the Channel 272C3 counterproposal for McMillan by Black Bear. Thus, NCR proposes that the Commission allocate either FM Channel 244C3 or 269C3 to McMillan, and adopt the interference-free FM Channel \*272C3 allocation to Sault Ste Marie, Michigan, proposed in its Petition.

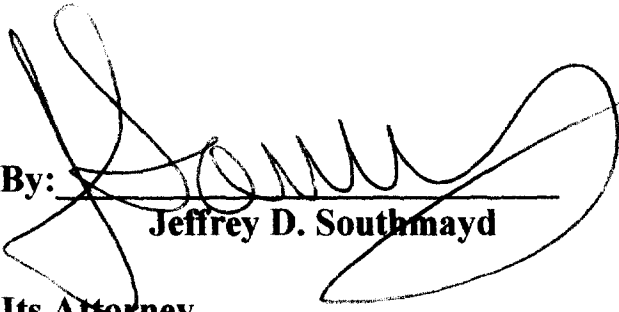
---

<sup>6</sup> NCR must assume that Black Bear was also capable of determining the availability of these alternative Class C3 FM channels that would not interfere with the proposed FM Channel 272C3 allotment at Sault Ste Marie. This raises the question whether the Black Bear counterproposal was filed in good faith, or merely to delay the implementation of the FM allotment at Sault Ste Marie, Michigan requested by NCR.

<sup>7</sup> 67 RR 2d 606.

**Respectfully submitted,**

**Northern Christian Radio, Inc.**

By:   
Jeffrey D. Southmayd  
Its Attorney

**Southmayd & Miller  
1220 19<sup>th</sup> Street, N.W.  
Suite 400  
Washington, D.C. 20036  
(202) 331-4100**

**Date: December 15, 1997**

## **ENGINEERING DECLARATION**

### **NOTICE OF PROPOSED RULE MAKING MM DOCKET NO. 97-222, RM 9180 ALLOT CHANNEL 272C3\* TO SAULT STE. MARIE, MI**

Peter W. Lechman says that he is an engineer and President of Lechman & Johnson, Inc., Telecommunication Consultants, with offices located at 9049 Shady Grove Court, Gaithersburg, Maryland, and that his qualifications is a matter of record with the Federal Communications Commission.

That the firm of Lechman & Johnson, Inc. has been retained by Northern Christian Radio ("Northern") to prepare a response to comments and counter proposal filed by Linda K. Graver, President, Black Bear Broadcasting Co. ("Black Bear"). Black Bear proposes the allotment of Channel 230C3 to Sault Ste. Marie, reserved as a non-commercial assignment, and allot Channel 272C3 to McMillan, Michigan.

Serious technical issues would arise from the proposed allotment of Channel 230C3 to Sault Ste. Marie. First, Canada has a vacant allotment for Channel 231C at Manitoulin, Ontario. However, Black Bear has brought to the attention of the Commission that this allotment to Manitoulin has been proposed by the Canadian DOT to delete that channel assignment and change the city to Little Current, Ontario, and downgrade to Channel 231C1. Assuming Channel 230C3 is allotted to Sault Ste. Marie and the countries agree to the Canadian proposal to downgrade, the use of Channel 230C3 at Sault Ste. Marie would receive interference from the Canadian allotment when one applies the technical standards outlined in the Canadian Working Agreement (See Appendix A, limited pages submitted).

Therefore, Channel 230C3 allotment to Sault Ste. Marie is certainly not the most favorable channel.

In Black Bear's comments, paragraph 3, "The Commission undertook its own study and concluded that, indeed, an exception would be appropriate in this case." In further comments, paragraph 4, "It was the intention of Bear to file for a Rulemaking to allot Channel 272C3 to McMillan, Michigan, as its first broadcast service. Black Bear provided a study (copy of which is attached to these comments) which shows that Channel 272C3 can be allotted to McMillan absent the allocation at Sault Ste. Marie, Michigan."

**Lechman & Johnson, Inc.**



ENGINEERING DECLARATION

December 12, 1997

Page Two

Black Bear proposed the geographic coordinates for the allotment of Channel 272C3 for McMillan as follows:

North Latitude: 46° 19' 33"

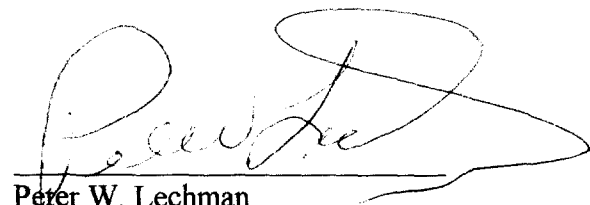
West Longitude: 85° 41' 16"

An independent FM channel study was undertaken using Black Bear's coordinates as the reference site. There are 14 FM channels that will work in and around the area of McMillan. Twelve channels are Class A, eleven are Class C3, seven are Class C2, and one Class C1. Of the eleven Class C3 channels, Channels 244 and 269 are workable using Black Bear's reference coordinates.

TABLES I AND II are FM channel studies for Channel 244C3 and Channel 269C3, respectively.

I declare under penalty of perjury that the foregoing is true and correct.

LECHMAN & JOHNSON, INC.

A handwritten signature in black ink, appearing to read 'Peter W. Lechman', is written over a horizontal line.

Peter W. Lechman  
Consulting Engineer  
December 12, 1997

\* Designated for non-commercial use.

**Lechman & Johnson, Inc.**

TABLE I

\*\*\*\*\* FM CHANNEL STUDY NO. 1 - LECHMAN & JOHNSON GAITHERSBURG, MARYLAND - 12-DEC-97 12:09:36 \*\*\*\*\*  
 \*\*\*\*\* LAST UPDATE: 971206 \*\*\*\*\*

244 C3 FM	POLARIZATION	ERP (KW)	HAAT	RCAMSL
MCHILLAN MI US		HOR PLN	RM TILT	(METER)
46.1933 85.4116 (D.MSS)	HORIZONTAL	25.000	0.000	100.0
	VERTICAL	25.000	0.000	100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 25.000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)
	DBU KM DBU KM	DEGREES	(METERS)	(FEET)	70 DBU 60 DBU 54 DBU
CO CHANNEL ( 40.0)	113.6 (34.0) 130.6	0.0	86.0	282.3	21.6 36.6 48.0
1ST ADJACENT ( 54.0)	60.2 (48.0) 59.0	45.0	97.5	319.9	23.0 38.7 50.4
2ND ADJACENT ( 80.0)	12.9 (74.0) 10.2	90.0	101.0	331.4	23.4 39.2 51.0
3RD ADJACENT (100.0)	4.1 (94.0) 3.2	135.0	87.9	288.4	21.8 36.9 48.4
		180.0	105.6	346.5	23.9 40.0 51.9
		225.0	119.7	392.8	25.2 42.0 54.2
PROTECTED ( 60.0)	39.1 (54.0) 50.8	270.0	109.5	359.2	24.2 40.6 52.5
		315.0	92.7	304.1	22.4 37.8 49.4
CITY GRADE ( 70.0)	23.2	AVERAGE	100.0	328.1	23.2 39.1 50.8

EST SITE ELEVATION : 297.7 m.; 976.7 ft.  
 EST RAD CENTER AGL : 38.3 m.; 125.6 ft.  
 RAD CENTER A.M.S.L.: 336.0 m.; 1102.3 ft.

\*\*\*\*\*  
 \*\*\*THE CANADIAN BORDER IS 73.4 KM ON A BEARING OF 44.4 DEG. TRUE\*\*\*  
 \*\*\*\*\*

FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT (D.MSS)	LONG	REL CHN	ERP (KW)	HAAT	D	I-CON	P-CON	IR	IC	REZL
										HORZ	VERT	(M)	A	F5010	F5050	DIST	RSEP
															(KM)	(KM)	(KM)
178.0	358.1		USE		Cadillac	MI A	44.2025	85.3534	CO 244C3	H	V	0				220.8	153.
**COMMENT**Effective 08-12-91-Reserved for WNLZ per D90-471																	
177.2	357.3	WLXV	LIC	BLH940204KZ	Cadillac	MI A	44.2251	85.3324	CO 244C3	7.2H	7.2V	184				216.4	153.
218.8	37.4	WBDK	LIC	BLH930106KD	Algoma	WI A	44.3852	87.3354	CO 244C3	25.0H	25.0V	86				237.3	153.
125.6	307.0	WNLQ	LIC	BLH900510KD	Rogers Ci	MI A	45.2101	83.4700	CO 244C2	26.0H	26.0V	117				183.4	177.
124.1	305.4		USE		Rogers Ci	MI A	45.2517	83.4900	CO 244C2	H	V					176.7	177.
**COMMENT**Effective 5-8-89-Rsvd for WNLQ per D88-398																	
258.1	77.2	WGLQ	LIC	BLH820713AB	Escanaba	MI A	46.0804	86.5652	2ND 246C	100.H	100.V	326				99.5	96.
78.0	258.9		VAC		Sault Ste	ON C	46.3100	84.2000	3RD 247B	H	V	0				106.2	71.
**COMMENT**SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.																	

\*\*\*\* NORMAL TERMINATION FM CHANNEL STUDY NO. 1 \*\*\*\* 47 FM RECORDS WERE CONSIDERED, OF WHICH 7 WERE PRINTED ABOVE \*\*\*\*

**Lechman & Johnson, Inc.**

TABLE II

\*\*\*\*\* FM CHANNEL STUDY NO. 1 - LECHMAN & JOHNSON      GAITHERSBURG, MARYLAND      - 12-DEC-97 12:47:30 \*\*\*\*\*  
 \*\*\*\*\*  
 \*\*\*\*\* LAST UPDATE: 971206 \*\*\*\*\*

		269 C3 FM	POLARIZATION	ERP (KW)		HAAT	RCMSL
MC MILLAN MI	US			HOR PLN	BM TILT	(METER)	(METER)
46.1933	85.4116 (D,MMSS)		HORIZONTAL	25.000	0.000	100.0	
			VERTICAL	25.000	0.000	100.0	

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 25.000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC		DBU	KM	DBU	KM	AZIMUTH DEGREES	HAAT (METERS)	HAAT (FEET)	CONTOURS (KM)		
	DBU	KM								70 DBU	60 DBU	54 DBU
CO CHANNEL ( 40.0)	113.6	(34.0)	130.6				0.0	86.0	282.3	21.6	36.6	48.0
1ST ADJACENT ( 54.0)	60.2	(48.0)	59.0				45.0	97.5	319.9	23.0	38.7	50.4
2ND ADJACENT ( 80.0)	12.9	(74.0)	10.2				90.0	101.0	331.4	23.4	39.2	51.0
3RD ADJACENT (100.0)	4.1	(94.0)	3.2				135.0	87.9	288.4	21.8	36.9	48.4
							180.0	105.6	346.5	23.9	40.0	51.9
							225.0	119.7	392.8	25.2	42.0	54.2
PROTECTED ( 60.0)	39.1	(54.0)	50.8				270.0	109.5	359.2	24.2	40.6	52.5
							315.0	92.7	304.1	22.4	37.8	49.4
CITY GRADE ( 70.0)	23.2						AVERAGE	100.0	328.1	23.2	39.1	50.8

EST SITE ELEVATION : 297.7 m.; 976.7 ft.  
 EST RAD CENTER AGL : 38.3 m.; 125.6 ft.  
 RAD CENTER A.M.S.L.: 336.0 m.; 1102.3 ft.

\*\*\*\*\*  
 \*\*\*THE CANADIAN BORDER IS 73.4 KM ON A BEARING OF 44.4 DEG. TRUE\*\*\*  
 \*\*\*\*\*

AZIMUTH		LAT		LONG		ERP (KW)		HAAT D		I-CON P-CON		IR		IC		REZL	
FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	(D,MMSS)	REL CHN	HORZ	VERT	(M)	A F5010	F5050	DIST	RSEP	RSEP	IR I
										(KM)	(KM)	(KM)	(KM)	(KM)			
82.5	263.4	WSUE	LIC	BLH7453	Sault Ste	MI A	46.2616	84.2242	2ND	267C1	90.H	90.V	67		101.5	76.	
253.7	72.0	WJNRFM	LIC	BLH940815KC	Iron Moun	MI A	45.4915	88.0238	1ST	268C1	100.H	100.V	187		190.7	144.	
87.2	269.4		ADD		Elliot La	ON C	46.2316	82.3716	CD	269B	H	V	0		236.1	223.	
**COMMENT**CANADIAN PROPOSAL																	
180.2	0.2	WLDR	LIC	BLH920403KB	Traverse	MI A	44.4613	85.4143	1ST	270C1	100.H	100.V	192		172.9	144.	

\*\*\* NORMAL TERMINATION FM CHANNEL STUDY NO. 1 \*\*\* 55 FM RECORDS WERE CONSIDERED, OF WHICH 4 WERE PRINTED ABOVE \*\*\*

**Lechman & Johnson, Inc.**

## **APPENDIX A**



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
1919 M STREET N.W.  
WASHINGTON, D.C. 20554

908

News media information 202/254-7674.

Recorded listing of releases and texts 202/632-0002.

November 19, 1984

## NEW FM WORKING ARRANGEMENT WITH CANADA GOES INTO EFFECT

Canada and the United States have agreed to immediate implementation of a new FM Working Arrangement. The new Working Arrangement affects all FM stations and proposals within 320 km of the U.S.-Canadian border and replaces the previous Working Arrangement under the Canada-U.S. FM Agreement of 1947.

This arrangement implements the tentative agreement reached between Canada and U.S. representatives meeting in Ottawa during September 5 to 7 regarding a new FM Broadcasting Agreement and a new FM Working Arrangement to be attached to the Agreement. Once implemented through exchange of Diplomatic Notes, the new FM Agreement and Working Arrangement will supersede the Canada-U.S. FM Agreement of 1947 as well as the old FM Working Arrangement. In the meantime, pending the exchange of Diplomatic Notes, the FCC and the Ministry of Communications in Ottawa have agreed to an interim implementation of the new FM Working Arrangement.

Effective November 20, 1984, all applications will be processed based on the technical criteria found in the new Working Arrangement. Applicants will be given an opportunity to amend applications filed prior to the implementation date to achieve compliance with the new Working Arrangement. The same opportunity will be provided for all applications filed up to 30 days after the implementation date. Applications filed more than 30 days after the implementation date may be returned as defective if they do not comply with the new Working Arrangement.

A limited number of copies of the new Working Arrangement are available from Charles H. Breig, Room 8120A, 2025 M Street, N.W., Washington, D.C. 20554. Copies may also be obtained from the Commission's copy contractor. For further information about the technical criteria contained in the new Working Arrangement please contact, Charles Breig at (202) 254-3394 or Robert Greenberg at (202) 632-7166.

September 7, 1984

WORKING ARRANGEMENT  
FOR  
ALLOTMENT AND ASSIGNMENT OF FM BROADCASTING CHANNELS 201-300  
UNDER THE  
CANADIAN-U.S.A. FM BROADCASTING AGREEMENT OF 1947

1. PREAMBLE

Mutual undertakings concerning the allotment and assignment of FM Broadcasting Channels by Canada and the United States in the area lying within 320 kilometers of their common border are set out in the Canadian-U.S.A. FM Broadcasting Agreement of 1947. That Agreement continues pursuant to its terms to govern the consideration and acceptance or rejection of border area channel allotments and assignments proposed in either country. The arrangement set out herein, which in no way derogates from the Canadian-U.S.A. FM Broadcasting Agreement of 1947, states the basis upon which the Canadian and U.S.A. Administrations propose to consider responses to border area FM channel allotments and assignments proposed by the other country.

2. BASIC PRINCIPLES

2.1 Channel designation

FM broadcast channels are allotted in the band 88 to 108 MHz and are 200 kHz wide. Their center frequencies begin at 88.1 MHz and continue in successive steps up to and including 107.9 MHz as set forth in Annex I. FM allotments are classified and assigned in accordance with 2.2, and made in accordance with 2.4.

2.2 Classification and Maximum Parameters of Allotments and Assignments

2.2.1 The classes and maximum parameters are as follows:

<u>Classes</u>	<u>Effective Radiated Power</u>	<u>Antenna Height Above Average Terrain</u>
A	3 kilowatts	100 meters
B1	25 kilowatts	100 meters
B	50 kilowatts	150 meters
C1	100 kilowatts	300 meters
C	100 kilowatts	600 meters

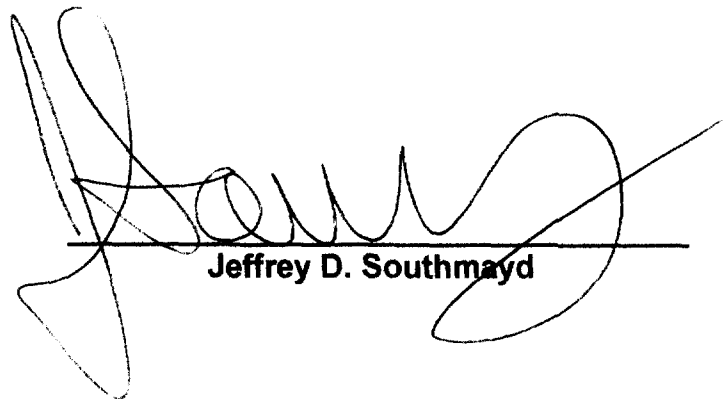
(U.S Class C2 will be considered as Class B for the purposes of the above table.)

**CERTIFICATE OF SERVICE**

I, Jeffrey D. Southmayd, do hereby certify that the foregoing **COMMENTS OF NORTHERN CHRISTIAN RADIO, INC.** were served by first class United States mail, postage pre-paid, on this 15th day of December, 1997 on the following:

**Mr. John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W.  
Room 554  
Washington, D.C. 20554\***

**Ms. Linda K. Graver  
President  
Black Bear Broadcasting Company of Bay City Michigan  
2921 Ohio Road  
Bay City, Michigan 48706**



Jeffrey D. Southmayd

---

**\* By Hand Delivery**